IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10506 of 2004

Between:
K.Kiran Kumar, S/o K.V.N.S.S.N. Appa Rao, Hindu,
R/o 16/63, Ashok Nagar, Thiruvuru, Krishna District

..... PETITIONER

AND

1 Insurance Ombudsman, 6-2-47, 1st Floor, Yeturu Towers, Lane Opp: Saleem Function Palace, A.C. Guards, Lakdi-ka-Pool, Hyderabad - 500 004.
2 The Zonal Manager, LIC of India, South Central Zonal Office, "Jeevan Bhagya" , Saifabad, Hyderabad - 500 063.
3 The Divisional Manager, LIC of India, "Jeevan Prakash", Balasamudram, Hanumakonda, Warangal - 506 001.
4 The Branch Manager, LIC of India, Sattupalli Branch, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order of direction, declaring the Award No. IO/HYD/L1/16/2003-04 dated
17-6-2003 of the 1st respondent and communicated vide letter dated 7-7-2003 as arbitrary, illegal and further direct the respondents to release the medical claim made by the petitioner under Aasha Deep Policy bearing No. 681320799 or at least direct the respondents to pay the premium paid by the petitioner under the said policy if this Hon'ble Court comes to conclusion that the petitioner is not entitled for total medical claim.

Counsel for the Petitioner: MR. T.P. ACHARYA, Advocate

Counsel for the Respondent No.1 to 4: MR. D.S.V.G. NAGARAJU, Standing Counsel for LIC

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for Life Insurance Corporation of India and with their consent, the writ petition itself is taken up for final disposal at the admission stage.

In this writ petition the petitioner seeks to declare the Award No.IO/HYD/L1/16/2003-04 of the first respondent-Insurance Ombudsman, dated 17-6-2003, as arbitrary and illegal and direct the respondents to release the medical claim made by the petitioner under Asha Deep Policy No.681320799 or at least to return the premium amounts paid under the said policy.

The petitioner, who is Asha Deep Insurance Policy holder under policy bearing No.681320799 in the fourth respondent-branch, made a medical claim for the treatment of kidney transplantation undergone by him. It is alleged that the said claim was rejected by the third respondent by letter dated 9-7-2002 and confirmed by the second respondent as per the letter dated 10-1-2003 sent by the third respondent. According to the petitioner, against the said order, he made a complaint dated 8-2-2003 to the first respondent-Insurance Ombudsman, who passed the impugned Award dated 17-6-2003 upholding the repudiation of the claim. Aggrieved by the impugned award, the present writ petition is filed.

Rejection/repudiation of medical claim of the petitioner has to be adjudicated on the basis of evidence adduced by both the

parties. This Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, cannot decide the same by merely basing on an affidavit filed by the petitioner. The proper remedy available to the petitioner is to approach competent civil court/Consumer Forum for appropriate relief.

With the above observations, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 25-06-2004
SVV

To
1 Insurance Ombudsman, 6-2-47, 1st Floor, Yeturu Towers,
Lane Opp: Saleem Function Palace, A.C. Guards, Lakdi-ka-Pool,
Hyderabad - 500 004.
2 The Zonal Manager, LIC of India,
South Central Zonal Office, "Jeevan Bhagya" , Saifabad,
Hyderabad - 500 063.
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5 Two C.Ds copies